

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THOMAS HERLIHY,

PLAINTIFF,

v.

**AFAB INDUSTRIAL SERVICES, INC.,
RUFFIN SOILS, INC., and EVERETT L.
FARR, III,**

DEFENDANTS.

Civil Action No. 2-19-cv-1283-AB

**PLAINTIFF'S RESPONSE IN OPPOSITION TO
DEFENDANTS' MOTION TO COMPEL PRODUCTION OF DOCUMENTS**

Plaintiff, Thomas Herlihy, by and through his undersigned attorneys, hereby responds in opposition to Defendants AFAB Industrial Services, Inc., Ruffin Soils, Inc., and Everett L. Farr, III's (hereinafter "Defendants") Motion to Compel Production of Documents.

As Defendants concede, Plaintiff has already produced over two thousand pages of responsive documents. Nevertheless, Defendants seek to compel Mr. Herlihy to produce certain additional discovery, consisting of documents relating to, inter alia, Mr. Herlihy's employment with Defendants, Mr. Herlihy's prior employment, and Mr. Herlihy's tax information. *Id.* at pp. 4-5. Defendants' motion is unwarranted. The documents Defendants are demanding are either irrelevant, not in Mr. Herlihy's possession, have already been produced by Mr. Herlihy, and/or are Defendants' own documents, and thus equally and/or solely in their possession.

For these reasons, and for the reasons set forth in Mr. Herlihy's accompanying Memorandum of Law, Mr. Herlihy respectfully requests that this Honorable Court deny Defendants' Motion to Compel.

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Dated: October 13, 2021